

REMARKS

The Examiner's attention to the present application is noted with appreciation.

The Examiner stated that the information disclosure statement filed 8/30/04 fails to comply with the provisions of 37 CFR §§1.97, 1.98 and MPEP § 609 because it is duplicated from the 7/30/04 Information Disclosure Statement. The Information Disclosure Statement has been reviewed and is filed with the instant response. The purpose of the duplicate submission was to cover a reference not available on the first Information Disclosure Statement. A certification is attached.

Claim Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 1 through 7 under 35 U.S.C. § 112 as being indefinite. With regard to claim 1, the Examiner stated that the use of the term "distinguishable" is unclear. Claim 1 has been amended to so that the term "distinguishable" now identifies clearly that the limb-forming components are distinct from "one another". These changes are supported in the specification on page 2 lines 10 through 15 and page 3 lines 16 through 23.

With regard to the terms "one hand" and "other hand" in claims 2 through 4, those terms have been deleted.

The Examiner stated that the term "hinge" had no antecedent basis as used in claims 2 and 7. The term has been clarified in claim 2 as that the pivoting couplings comprise the hinge.

Claim Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1 through 6 under 35 U.S.C. § 102(b) as anticipated by Elsasser (DE 309006). Elsasser teaches away from Applicant's invention in that the spring element from Elsasser (Fig. 1, 24) serves to execute an upward motion of toe (4) when walking as described in column 2 lines 71-87. Claim 1 has been amended to clarify that in Applicants' invention the first spring element (7) stores the energy during the walking motion and is made available with a high conversion efficiency to a further spring element that forms part of the prosthesis or orthosis as supported in the application at

page 2, lines 14 through 18. Therefore, because Elsasser does not anticipate nor suggest Applicant's invention, claim 1 is patentable over Elsasser.

The Examiner rejected claims 1 through 7 under 35 U.S.C. § 102(b) as being anticipated by Collier (U.S. Patent No. 5,545,234). Collier does not cure the deficiencies of Elsasser noted above. As discussed above, the energy is made available with a high conversion efficiency to a further spring element and to tension the first spring element. Therefore claim 1 is patentable over Collier.

In view of the above amendments and remarks, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Respectfully submitted,

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